

By: Representative Bounds

To: Military Affairs

HOUSE BILL NO. 1302

1 AN ACT TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED CREMATED
 2 REMAINS OF CERTAIN VETERANS; TO AUTHORIZE THE RELEASE OF
 3 INFORMATION ASSOCIATED WITH THE REMAINS TO VERIFY WHETHER THE
 4 REMAINS ARE OF A PERSON WHO WAS A VETERAN ELIGIBLE TO BE INTERRED
 5 IN A VETERANS CEMETERY; TO AUTHORIZE THE TRANSFER OF THE UNCLAIMED
 6 CREMATED REMAINS; TO PROVIDE CIVIL IMMUNITY FOR PERSONS WHO
 7 RELEASE VERIFICATION INFORMATION OR TRANSFER CREMATED REMAINS AS
 8 AUTHORIZED BY THIS ACT; TO AMEND SECTION 73-11-69, MISSISSIPPI
 9 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR
 10 RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** As used in this act, unless the context clearly
 13 requires otherwise:

14 (a) "Verification information" means data required by
 15 the United States Department of Veterans Affairs to verify whether
 16 a person is a veteran eligible for burial in a veterans cemetery,
 17 including a copy of the person's death certificate and the
 18 person's name, service number, social security number, date of
 19 birth, date of death and place of birth.

20 (b) "Veterans' service organization" means:

21 (i) A veterans' organization that is chartered by
 22 the United States Congress;



23 (ii) A veterans' service organization recognized
24 by the United States Department of Veterans Affairs; or

25 (iii) A veterans' service organization that is
26 organized for verifying whether a person is a veteran and
27 providing for interment of veterans and that is exempt from the
28 payment of federal income taxes under Section 501(c) of the
29 Internal Revenue Code of 1986 by being listed as an exempt
30 organization under Section 501(c)(3) or 501(c)(19) of that code.

31 **SECTION 2.** This act applies to any person who possesses
32 unclaimed cremated remains, including a funeral establishment,
33 funeral service business, funeral director or crematory facility
34 licensed under Chapter 11, Title 73, or a coroner.

35 **SECTION 3.** A person who possesses unclaimed cremated remains
36 may release to the United States Department of Veterans Affairs or
37 a veterans' service organization verification information
38 associated with the remains to verify whether the remains are the
39 remains of a person who was a veteran eligible to be interred in a
40 veterans cemetery if:

41 (a) The person has possessed the cremated remains for
42 at least one (1) year; and

43 (b) The person authorized to dispose of the decedent's
44 remains under Section 73-11-58 has not claimed the cremated
45 remains.

46 **SECTION 4.** A person who receives notice from the United
47 States Department of Veterans Affairs or a veterans' service



48 organization that the unclaimed cremated remains are the remains
49 of a veteran eligible to be interred in a veterans cemetery may:

50 (a) Transport the cremated remains to the veterans
51 cemetery for burial; or

52 (b) Transfer the cremated remains to a veterans'
53 service organization that will ensure that the cremated remains
54 are interred in a veterans cemetery.

55 **SECTION 5.** (1) A person who releases verification
56 information as authorized by this act, or who transfers cremated
57 remains to a veterans' service organization or a veterans cemetery
58 as authorized by this act, is immune from civil liability for
59 damages resulting from the release or transfer.

60 (2) A veterans' service organization that inters cremated
61 remains in a veterans cemetery as authorized by this act is immune
62 from civil liability for damages arising from the interment.

63 **SECTION 6.** Section 73-11-69, Mississippi Code of 1972, is
64 amended as follows:

65 73-11-69. (1) No person or party shall conduct, maintain,
66 manage or operate a crematory unless a license for each such
67 crematory has been issued by the board and is conspicuously
68 displayed in such crematory.

69 (2) The operator of a crematory facility shall issue a
70 certificate of cremation to the family of each person cremated in
71 the facility. In addition, the operator of the crematory facility
72 shall maintain a log of all cremations performed in the facility,



73 and this log shall match the certificates of cremation that have
74 been issued by the facility.

75 (3) No operator of a crematory facility shall knowingly
76 represent that an urn or temporary container contains the
77 recovered cremated remains of specific decedent or of body parts
78 removed from a specific decedent when it does not. This
79 subsection does not prohibit the making of such a representation
80 because of the presence in the recovered cremated remains of de
81 minimis amounts of the cremated remains of another decedent or of
82 body parts.

83 (4) The board shall inspect each licensed crematory facility
84 during each licensure period, and at such other times as
85 necessary, to verify that the crematory facility is in compliance
86 with the requirements of this section. Any person who operates a
87 crematory facility in this state without a license, or any person
88 who otherwise violates any provision of this section, is guilty of
89 a felony. Upon conviction for a violation of this section, in
90 addition to any penalty that may be imposed by the court, the
91 board may revoke the person's crematory facility license.

92 (5) If the retort of a crematory becomes in need of repair,
93 then the operator of the crematory shall notify the board in
94 writing and by telephone within forty-eight (48) hours of
95 discovery of the need to repair, and no cremation shall be made
96 from the time of discovery until satisfactory proof is provided to
97 the board that the repair has been made.



98 (6) The board may promulgate such rules and regulations as
99 deemed necessary for the proper licensure and regulation of
100 crematory facilities in this state. Such rules and regulations
101 shall include, but not be limited to, the following: crematory
102 facility requirements, identification of deceased human beings,
103 cremation process, processing of remains, * * * commingling of
104 human remains, disposition of cremated remains, removal of human
105 remains and proper documentation requirements as prescribed by
106 state agencies.

107 (7) Any crematory or funeral establishment may dispose of
108 any remains unclaimed by the family after twelve (12) months after
109 cremation by delivering the remains to any person listed in
110 Section 73-11-58, releasing the remains to a veterans' service
111 organization in accordance with Sections 1 through 5 of this act,
112 or scattering or burial upon a final notification to the next of
113 kin by certified mail to their last-known address.

114 (8) The crematory retort operator must be a certified
115 crematory operator as defined in Section 73-11-41.

116 (9) No crematory facility licensed by the board shall be
117 used for the cremation of deceased animals.

118 (10) A crematory may be constructed on or adjacent to any
119 cemetery, on or adjacent to any funeral establishment, or at any
120 other location consistent with local zoning regulations.

121 **SECTION 7.** This act shall take effect and be in force from
122 and after July 1, 2019.

